

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Request for Review by)	CC Docket No. 96-45
Cook Telecom, Inc. of)	
Decision of Universal)	
Service Administrator)	

To: Chief, Wireline Competition Bureau

REQUEST FOR REVIEW

Cook Telecom, Inc. (Cook), by its attorney, and pursuant to Section 54.719(c) of the Commission's Rules, hereby requests review of the decision of the Administrator of the Universal Service Administrative Company (USAC), on December 8, 2005, denying Cook's challenge to USAC's claim of indebtedness, in the amount of \$23,999.59, for universal service fees.^{1 2}

I. Background

Cook is a provider of common carrier paging service and as such meets the definition of a telecommunications carrier, as set out in Section 54.5 of the Commission's Rules. Beginning in 1997, Cook was accordingly required to contribute to the universal service support programs, pursuant to Rule Section 54.706(a)(1), on the basis of its end-user interstate telecommunications

¹ The decision denying Cook's challenge was sent to Cook in an email message from Mr. Rich Seetoo, USAC Billing, Collections and Disbursements, on December 8, 2005 (exchange of email correspondence attached hereto as Appendix A). Accordingly, this request for review is timely filed.

² The correspondence from USAC denying Cook's challenge states that if Cook does not agree with USAC's findings, it may file a formal appeal with USAC. However, Cook has been pursuing its challenge with USAC on this issue for eight years to no avail. Its protestations have apparently fallen on deaf ears. There is accordingly no reason to believe that any further appeal to USAC will be productive; hence this filing with the Commission.

revenues and the appropriate contribution factor, unless in any given year it was entitled to the *de minimis* exemption, as provided for in Rule Section 54.708.³ The reporting was to be done on the FCC Form 457 Universal Service Worksheet and filed semi-annually.⁴

In August of 1997, Cook received a notice from its national trade association, the Personal Communications Industry Association (PCIA), advising of a new Universal Service fee that would be applicable to portions of Cook's business operations. PCIA advised Cook of the need to file a Form 457 as a "New Filer" with USAC by September 2, 1997. This was an entirely new area of regulation for Cook and there seemed to be uncertainties as to the services and percentage of revenues on which the fee would be assessed. Presumably, additional clarification would be forthcoming from USAC.

Without receiving clear resolution of those uncertainties, Cook filed its Form 457 in advance of the September 2, 1997 deadline and was subsequently sent a bill by USAC for what appeared to be an unduly large amount. Upon review, Cook learned for the first time that the Universal Service fee was to be based only on the interstate portion of its revenues from its paging service. However, in completing the Form 457, Cook mistakenly reported, as its contribution base, its revenues from all sources of its business – paging (both interstate and intrastate), equipment sales, equipment leasing, radio repair, parts sales, site leasing, telephone

³ See, Third Report and Order in CC Docket 97-21 and Eighth Order on Reconsideration in CC Docket 96-45, 13 FCC Rcd 25058, 14 CR 232 (1998)

⁴ The Form 457 Universal Service Worksheet has since been replaced by the annual Form 499-A Telecommunications Reporting Worksheet, which encompasses consolidated reporting requirements for the Telecommunications Relay Service, Universal Service, Number Administration and Local Number Portability support mechanisms, and the quarterly Form 499-Q Telecommunications Reporting Worksheet which covers only Universal Service. See, *Federal-State Joint Board on Universal Service*, CC Docket 96-45, FCC 01-85 (2001). See, also, *1998 Biennial Regulatory Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms*, Report and Order, CC Docket 98-171, FCC 99-175 (1999).

answering service and voicemail services. As a result, the assessed amount of the Universal Service fee greatly exceeded what it would have been had the assessment been based strictly on revenues from Cook's interstate telecommunications service. Indeed, had the mistake not been made, Cook would have qualified for the *de minimis* exemption and would therefore have owed nothing.

Despite Cook having pursued a correction of the erroneous Form 457 filing since 1998, USAC has failed to resolve the matter. Then, in October of 2005, USAC transferred the claimed debt to the FCC and the Commission issued an invoice No. 05US008909. In response, Cook submitted a letter to the Commission, dated November 16, 2005, to the attention of the Revenue and Receivables Operations Group. The letter included as attachments documents detailing Cook's attempts to have USAC acknowledge that nothing was due and owing. A copy of that letter, including attachments, is attached hereto as Appendix B.

At the same time, Cook continued to pursue the matter with USAC which culminated in the email correspondence attached as Appendix A. While it appears from Appendix A that USAC finally gets the point of Cook's repeated protestation, it nevertheless seems to be standing on ceremonies because Cook submitted only handwritten corrective revisions to its 1997 Form 457 but did not submit "an official revision."

II. Argument

From the foregoing, it is clear that the claimed indebtedness is based on a good faith error by Cook in completing its 1997 Form 457 filing. Using the corrected revenue figures, as shown in Appendix B, the only reasonable conclusion is that Cook was entitled to the *de minimis* exemption, in accordance with Rule Section 54.708, and that it currently owes nothing to USAC. This should have been recognized by USAC long ago. Cook has continued to pursue the matter

in good faith but to no avail. It appears that USAC's refusal to correct the error is based on its elevation of form over substance. Thus, USAC maintains that the indebtedness cannot be cancelled because Cook submitted only handwritten corrections to its 1997 Form 457 filing but not "an official revision." While USAC has not attempted to provide information as to what it would consider an official revision, it is noted that there does not appear to be any formal procedure in the Commission's Rules for correcting erroneous Universal Service filings of the type here involved. This perhaps is a void that needs to be filled, but not at Cook's expense.

III. Relief Requested

Accordingly, the Commission is requested to review USAC's denial of Cook's challenge to the claimed indebtedness, as stated in Appendix A hereto, and thereupon to cancel the debt in the amount of \$23,999.59 and cancel Invoice No. 05US008909.

Respectfully submitted,

Cook Telecom, Inc.

By:


Harold Mordkofsky
Its Attorney

*Blooston, Mordkofsky, Dickens,
Duffy & Prendergast
2120 L Street, N.W.
Washington, DC 20037
Tel. (202) 828-5520
Fax (202) 828-5568
halmor@bloostonlaw.com*

Dated: February 6, 2006

APPENDIX A

(Email decision by USAC denying Cook's challenge to claimed indebtedness)

Harold Mordkofsky

From: Tom Cook [tcook@cookpage.com]
Sent: Wednesday, December 14, 2005 3:47 PM
To: Harold Mordkofsky
Subject: Re: filer ID 812229

----- Original Message -----

From: BCD Customer Service
To: tcook@cookpage.com
Cc: halmor@bloostonlaw.com
Sent: Thursday, December 08, 2005 9:56 AM
Subject: RE: filer ID 812229

Tom-

I and my supervisor have reviewed the documents you provided and reviewed the documents of what USAC has on file. We found the September 1998 de minimis letter. This letter appears to not have been processed and therefore you received charges in January 1999 to May 1999. This form is being reviewed by a USAC financial analyst now. The specific charges from January 1999 to May 1999 could be credited off the account based upon the findings of the financial analyst. We also saw your 1997 filing of the form 457 with the handwritten corrections you made, but we did not see an official revision of this form that would show the corrected numbers replacing the incorrect numbers. With this in mind, your original filing will have to remain in place. If you do not agree with these findings, you can find information on how to file a formal appeal with USAC here:

<http://www.universalservice.org/serviceprovider/contributorappeals.asp>

Rich Seetoo
USAC Billing, Collections and Disbursements
888-641-8722, opt 4, opt 4

From: Tom Cook [mailto:tcook@cookpage.com]
Sent: Tuesday, December 06, 2005 11:36 AM
To: BCD Customer Service
Cc: Hal Mordkofsky
Subject: Re: filer ID 812229

Rich: Harold is with the law firm of Blooston, Mordkofsky, Dickens, Duffy and Prendergast. They have represented our interests before the FCC for many years and it is perfectly o.k. to discuss this matter with them. I personally responded to the FCC on this matter but copied Harold's office because they may have to become involved if the matter cannot be resolved quickly.

Regards,
Tom

----- Original Message -----

From: BCD Customer Service
To: tcook@cookpage.com
Sent: Monday, December 05, 2005 1:04 PM
Subject: filer ID 812229

Tom-

I just wanted to update you that I am still researching your issue on my end. I hope to call you in the next day or so. FYI: Hal Mordkofsky left me a voice mail today. If he is a company officer at your company I can speak to him, if not I have to keep my conversation restricted to you.

Thanks for your patience.

Rich Seetoo
USAC Billing, Collections and Disbursements
888-641-8722, opt 4, opt 4

APPENDIX B

(Letter from Cook Telecom, Inc. to FCC, dated November 16, 2005)

COOK TELECOM, INC.
dba, Cook Paging
2960 KERNER BLVD.
SAN RAFAEL, CA. 94901
OFF: 415-460-4901
FAX: 415-456-5566
EMAIL: tcCook@cookpage.com

November 16, 2005

Federal Communications Commission
Attn: Revenue and Receivables Operations Group
445 12th St. S.W. , Room 1-A821
Washington, D.C. 20554

Re: Bill # 05USOO8909 FRN # 0013962543

Gentlemen:

This is in reference to a Bill of Collection notice received by us last week. We dispute these charges, have been disputing them since 1997., and believe we owe nothing further to USF for the following reasons:

Background:

Our company is in the business of wireless equipment sales, repair and maintenance; antenna site management; provision of telephone answering, voicemail service and equipment; in-house and wide area paging.

In August 1997, we received a notice from our national association (PCIA) advising us of a new Universal Service Fee that would be applicable to portions of our company's business operations. We were told that we needed to file a Form 457 as a "New Filer" with USAC, and the filing needed to be made by September 2, 1997. At the time there seemed to be uncertainties as to the percentage of fees that would be assessed, on exactly what services, and that additional clarification would be forthcoming from USAC.

We filed the Form 457 by the September 2, 1997, deadline and were subsequently sent a bill by USAC for a very high fee. In reviewing our filing it became evident that we had mistakenly included revenue for equipment sales, equipment leasing, radio repair, parts sales, telephone answering service, and voicemail services as part of mobile services. The portion of revenue collected for interstate paging service would have easily placed us in a de minimis situation.

We immediately contacted USAC and explained our error and misunderstanding, and were told they would review and correct our filing, and advised to file a de minimis application in 1998. Notwithstanding our subsequent de minimis filings in 1998, 1999, and thereafter, USAC continued to bill us based on our initial filing for at least 30 more months.

We had numerous correspondences with USAC including fruitless phone calls and written correspondence (attached). In May, 1999, we received a letter from Ms. Dorothy Attwood at the FCC, relating to this matter and we promptly responded to the Commission and copied USAC. It appears the FCC contacted us based on incorrect information supplied by USAC. No further communications has been received since May, 1999, and after six years USAC has arbitrarily chosen to submit this matter to the Commission as an uncollected billing. As a result, the Commission has placed a red flag on our ULS account. We request the FCC lift the red flag and arbitrate this matter, or refer the issue back to USAC and have them review and communicate with our firm.

Respectfully,

Cook Telecom, Inc.
dba, Cook Paging

A handwritten signature in black ink, appearing to read "Tom L. Cook". The signature is fluid and cursive, with a large initial "T" and "C".

Tom L. Cook

**Federal Communications Commission
REMITTANCE ADVICE
BILL FOR COLLECTION**

Approved by OMB
3060-0589

Bill Number	Applicant FRN#	Current Bill Date	FOR INQUIRIES CALL 1-202-418-1995 (Revenue & Receivable Operations Group)
05US008909	0013962543	10/20/05	

Application Information:

Cook Telecom, Inc.
2960 Kerner Blvd.

San Rafael, CA 94901

Payable to:
Federal Communications Commission
Send a copy of this bill to:
Federal Communications Commission
Revenue & Receivables Operations Group
P.O. BOX
PITTSBURGH, PA 15251-5

Total Amount Due	TOTAL AMOUNT DUE MUST BE RECEIVED BY	Due Date
\$23,999.59		10/23/05

Payer FRN No.

Please Complete The Payer Information, FCC Registration Number (FRN) is required

Payer Name (if paying by credit card enter name as it appears on the card)

Address Line No. 1

Address Line No. 2

City

State

Zip Code

Daytime Phone Number (include area code)

Reason For Bill:

Call Sign/Other FCC ID	Payment Type Code	Quantity	Fee Due For (PTC)	Total Fee	FCC Code 1	FCC Code 2
	U S F	0		\$ 23,999.59		

TOTAL DUE \$23,999.59

Please choose a method of Payment and complete the section if paying by Credit Card

Payment Method:

Credit Card ☐ Check ☐ Wire ☐ IPAC ☐ MIPR ☐

MASTERCARD ☐ DISCOVER ☐ VISA ☐ AMEX ☐

Account No.

Expiration Date

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

--	--

Month Year

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

IF PAYING BY CHECK, PLEASE WRITE YOUR BILL NUMBER ON YOUR REMITTANCE AND ATTACH A COPY OF THIS BILL TO YOUR PAYMENT TO ENSURE PROPER CREDIT



Federal Communications Commission
Washington, D.C. 20554

October 20, 2005

IMPORTANT INFORMATION DO NOT DISCARD -- NOTICE OF DEBT TRANSFER

The Universal Service Administrative Company (USAC) twice demanded payment and provided other correspondence (Demand(s)) to the entity referenced above (You or Debtor) concerning a Debt due and payable to the federal Universal Service Fund (USF) (a debt owed to the United States). The Debt results from Debtor's non-payment of USF contributions for a specific period. Consequently, if You have an arrearage in other payments, You will receive additional Demands. Because Debtor failed to pay the Debt and the accrued interest, administrative costs, and penalties, it has been referred to the Federal Communications Commission (Commission). In that regard, the balance owed on the referred Debt does not include subsequent arrearages. As stated in the Demand(s), federal law requires the collection of interest and penalties on an outstanding debt owed to the United States.

This Notice is to inform You/Debtor that within 30 calendar days of the date of this letter (Last Due Date), full payment of the Debt (computed as of) the date of payment must be received by the Commission, or satisfactory documentary evidence must be provided to the Commission that the Debt is not due. Payment of this Debt does not satisfy or discharge any other debt that You may owe. Your remittance must be delivered in a manner so as be received on or before the Last Due Date by the Commission at the following address:

Federal Communications Commission
P.O. Box 358340
Pittsburgh, PA 15251-5340

If the Commission does not receive the full payment of the Debt(as computed to the date of payment) by the Last Due Date, the Commission will promptly transfer the Debt to the United States Department of the Treasury (Treasury) or the United States Department of Justice for collection. Transfer of the Debt may result in sanctions, including, but not limited to, the initiation of proceedings to recover the outstanding debt, together with all applicable administrative charges, penalties, and interest pursuant to the provisions of the

Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996, as amended (the DCIA). Collection efforts may include, among other processes and procedures, use of collection centers, collection agencies, tax refund offset, administrative offset, and/or litigation to collect the Debt and other costs.

Under the DCIA, interest and penalties accrued from the date of the First Demand. In addition, You are required to pay the administrative costs of processing and handling a delinquent

claim as set by the Treasury (currently 18% of the debt). These requirements are set out at 31 U.S.C. § 3717.

If this debt has been satisfied or otherwise mitigated, You/Debtor must, before the Last Due Date, provide evidence satisfactory to the Commission, such as a verified copy of the cancelled check, which satisfied the full amount of the Debt, or a Resolution Letter issued by USAC or the Commission, together with a copy of this Notice to the Commission at the following address:

Federal Communications Commission
Attn: Revenue and Receivables Operations Group
445 12th Street S.W., Room 1-A821
Washington, DC 20554

If you have any questions, please contact the Revenue and Operations Group at (202) 418-1995 or by email at ARINQUIRIES@fcc.gov.



COOK PAGING

2960 Kerner Blvd.
San Rafael, CA 94901
Ph. (415) 485-0553
Fax: (415) 456-9202

May 20, 1999

Federal Communications Commission
Attn: Dorthy T. Attwood
Chief, Enforcement Division
Common Carrier Bureau
Washington, D.C. 20554

Re: USAC TRS No. 812229

Dear Ms. Attwood:

This acknowledges receipt of your May 11, 1999, letter concerning the USAC Form 457.

Please be advised that our company did file an FCC Form 457 on August 27, 1997. This was the first year such a filing was required and we may have completed the form in haste in order to meet the September 2, 1997, deadline. We did not fully understand the applicable parameters involved in revenue reporting and consequently included incorrect information that should not have been included, i.e., site income, maintenance revenue, equipment and parts sales, and telephone answering service income.

After filing the 1997 Form 457, we recognized these discrepancies and contacted USAC by telephone on several occasions. We were advised to file a Certificate of DeMinimis Exemption, which we have done in 1998 and 1999. In spite of our calls and subsequent filings, USAC is still sending us bills based upon our 1997 Form 457 filing.

I have enclosed copies of our USAC filings for each of the past three years. Please advise further.

Sincerely yours,

COOK TELECOM, INC.
dba Cook Paging

Tom L. Cook
President

TLC:I

Cc: USAC


USAC

UNIVERSAL SERVICE
ADMINISTRATIVE CO.

CERTIFICATION OF DE MINIMIS EXEMPTION

March 31, 1999 Filing

I certify that I am an officer of the carrier identified below, that we have examined the FCC Form 457 and its instructions, that we have performed the *de minimis* test in said instructions, and that to the best of my knowledge, information and belief, as a result of performing that test, we will not have a contribution amount for 1999 that exceeds the \$10,000 threshold thereby exempting us from the requirement to file an FCC Form 457 on March 31, 1999.

TRS Company Code:	8 1 2 2 2 9		
IRS Employer ID # (EIN):	94-2917631		
Principal Communications Business: <i>Please check only one category</i> (see Form 457 Instructions pp. 9-11)	<input type="checkbox"/> CAP/CLEC <input type="checkbox"/> IXC <input checked="" type="checkbox"/> Paging & Messaging <input type="checkbox"/> Private Service Provider <input type="checkbox"/> SMR <input type="checkbox"/> Other Local*	<input type="checkbox"/> Cellular/PCS/SMR (wireless telephony) <input type="checkbox"/> Local Reseller <input type="checkbox"/> Payphone Service Provider <input type="checkbox"/> Satellite <input type="checkbox"/> Toll Reseller <input type="checkbox"/> Other Mobile*	<input type="checkbox"/> Incumbent LEC <input type="checkbox"/> OSP <input type="checkbox"/> Pre-paid Card <input type="checkbox"/> Shared Tenant Service Provider <input type="checkbox"/> Wireless Data <input type="checkbox"/> Other Toll*
*If Other Local, Mobile or Toll is checked, describe contributor type:			
Legal Name of Company:	Cook Telecom Inc		
Complete Mailing Address:	2960 KERNER BLVD SAN RAFAEL, CA. 94901		
Contact Phone Number:	(415) 456-6000		
Officer Signature:		Printed Name of Officer: Tom C. Cook	3/22/99

The **De Minimis Factors** for the March 31, 1999 filing are .0073 for total universal service contribution base and .0391 for total interstate and international end-user telecommunications revenue. Please see the FCC Form 457 Worksheet Instructions on page 6 for further information.

File this "Certificate of De Minimis Exemption" if:

(Line 49A * .0073) + (Line 49C * .0391) is less than or equal to \$10,000.

Please submit this form, if applicable, to: **USAC- FCC Form 457**
100 South Jefferson Rd.
Whippany, NJ 07981

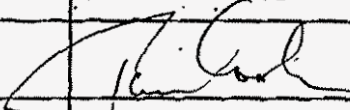
NOTE: If this company qualifying for the *de minimis* exemption is a **RESELLER**, you must notify your underlying carrier that you are not contributing directly to universal service, and you must be considered an end user by the underlying carrier.



CERTIFICATION OF DE MINIMIS EXEMPTION

09/01/98 Filing

I certify that I am an officer of the carrier identified below, that we have examined the FCC Form 457 and its instructions, that we have performed the *de minimis* test in said instructions, and that to the best of my knowledge, information and belief, as a result of performing that test, we will not have a contribution amount for 1999 that exceeds the \$10,000 threshold thereby exempting us from the requirement to file an FCC Form 457 on September 1, 1998.

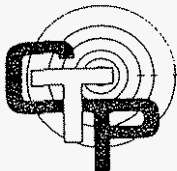
TRS Company Code:	8 12229
IRS Employer Identification Number (EIN):	68-0134594
Principal Communications Business: (see Form 457 Instructions pp. 9-11)	
Legal Name of Company:	Cook Telecom, Inc.
Complete Mailing Address:	2960 Kerner Blvd. San Rafael, California 94901-5583
Contact Phone Number:	415-460-4901
Officer Signature:	
Printed Name of Officer:	Tom L. Cook

The **De Minimis Factors** for the September 1, 1998 filing are .0146 for Total universal service contribution base and .0781 for Total interstate and international end-user telecommunications revenue. Please see the FCC Form 457 Worksheet Instructions on page 6 for further information.

File this "Certificate of De Minimis Exemption" if:

(Line 49A * .0146) + (Line 49C * .0781) is less than or equal to \$10,000.

Please submit this form, if applicable, to: **USAC- FCC Form 457
100 South Jefferson Rd.
Whippany, NJ 07981**



COOK TELECOM, INC.

Tom L. Cook, President
2960 Kerner Blvd.
San Rafael, CA 94901
Ph. (415) 485-0563
Fax: 456-9202

December 2, 1997

USAC-Universal Service Administration
Attn: Receivables/Billing Dept.
100 South Jefferson Rd.
Whippany, N.J. 07981

Gentlemen:

This is a follow up to our phone conversation last week regarding our company's recent "New Filing" submitted on August 29, 1997.

We were uncertain on how to enter our revenue figures and in reviewing Page 2, realized our paging service revenue was entered on Line 28, but also included on Line 39 along with revenues that should not be included in the contribution base.

Please change as follows:

Line 39: Delete the figure \$1,471,500 completely (\$209K already shown on Line 28. Balance of \$1,271,500. should be moved to Line 49 as revenue not in contribution base).

You will adjust any applicable billings to our company accordingly.

Please call me should you have any questions.

Regards,

Cook Telecom, Inc.
dba, Cook Paging

Tom L. Cook

FCC Form 457

Universal Service Worksheet

Page 2

Please read instructions before completing. Report actual amounts billed to customers and contributors during the filing period without subtracting uncollectibles or nonmonetary settlement payments. Report revenues in whole dollars. Do not report negative amounts.

Block 4: Contributor Revenue Information

21	Year of data	Filing Period (Check one)	Total Revenues	Percent Interstate & International	Interstate and International Revenues
	1997	<input checked="" type="checkbox"/> Data for January 1 through June 30 <input type="checkbox"/> Data for January 1 through December 31	(a)	(b)	(c)
Revenue from Other Contributors					
Fixed local service					
22	Monthly service, local calling, connection charges, vertical features, inside wiring maintenance, and other local exchange service				
a	Provided as unbundled network elements				
b	Provided under tariffs or arrangements other than unbundled network elements				
23	Per minute charges for originating or terminating calls				
a	Provided as unbundled network elements or other contract arrangement				
b	Provided under state or federal access tariffs				
24	Local private line & special access				
25	Pay telephone compensation from toll contributors				
26	Other local telecommunications service revenues				
27	Universal service support revenues				
Mobile service					
(includes wireless telephony, paging & messaging, and other mobile services)					
28	Monthly, activation, and message charges except toll		\$ 209,000	1%	\$2,090.00
Toll Service					
29	Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.)				
30	Other switched toll service (includes MTS, 800/888 service, etc.)				
31	Long distance private line services				
32	Satellite services				
33	All other long distance services				
Revenue From All Other Sources					
Fixed local service					
34	Monthly service, local calling, connection charges, vertical features, inside wiring maintenance, and other local exchange service charges except for federally tariffed subscriber line charges				
35	Tariffed subscriber line charges				
36	Local private line and special access service				
37	Pay telephone coin revenues				
38	Other local telecommunications service revenues				
Mobile service					
(includes wireless telephony, paging & messaging, and other mobile services)					
39	Monthly and activation charges <i>Delete</i>		\$1,471,500	1%	\$14,715.00
40	Message charges including roaming but excluding toll charges				
Toll service					
41	Pre-paid calling card				
42	International calls that both originate and terminate in foreign points				
43	Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.) other than revenues reported on Line 42				
44	Other switched toll service (includes MTS, 800/888 service, etc.)				
45	Long distance private line services				
46	Satellite services				
47	All other long distance services				
48	Subtotal of lines 34 through 41 and lines 43 through 47				
Other revenue that will not be included in the contribution base					
49	Enhanced services, billing and collection, customer premises equipment, published directory, and non-telecommunications products and service revenues <i>add</i>		\$2,220,000		
50	Gross billed revenues from all sources		\$3,691,500		

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. § 1001.

FCC 457

7/87

CC Form 457

Universal Service Worksheet

Approval by OMB

3268-0725

Estimated Average Burden Hours Per Response: 5 Hours

Please read instructions before completing. Report actual amounts billed to customers and contributors during the filing period without subtracting uncollectibles or contractual settlement payments. Report revenues in whole dollars. Do not report negative amounts.

Block 1: Contributor Identification

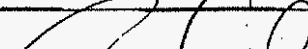
1	Legal name of contributor	COOK TELECOM, INC.		
2	IRS employer identification number	94-2917631	TRS Company Code	New Filing
3	Name contributor is doing business as			
4	Principal communications business (check only one)	<input type="checkbox"/> Shared Tenant Service Provider <input type="checkbox"/> Payphone Service Provider <input type="checkbox"/> Private Service Provider <input type="checkbox"/> Incumbent LEC <input type="checkbox"/> CAP/CLEC <input type="checkbox"/> Local Reseller <input type="checkbox"/> Other Local <input type="checkbox"/> Cellular/PCS/SMR (wireless telephony) <input checked="" type="checkbox"/> Paging & Messaging <input type="checkbox"/> Wireless Data <input type="checkbox"/> Other Mobile <input type="checkbox"/> IXC <input type="checkbox"/> Toll Reseller <input type="checkbox"/> OSP <input type="checkbox"/> Satellite <input type="checkbox"/> Pre-paid Card <input type="checkbox"/> Other Toll		
		If Other Local, Other Mobile, or Other Toll is checked, describe contributor type below.		
5	Holding company			
6	Management company (if contributor is managed by another entity)			
7	Principal Carrier Identification Code used for interexchange service			
8	Complete mailing address of contributor's corporate headquarters	2960 Kerner Blvd. San Rafael, CA. 94901		
9	Telephone number for customer inquiries	(415) 456-6000		

Block 2: Contact Information

10 Name of contact person	Tom L. Cook		
11a Telephone number of contact person	(415) 456-6000	11b Fax number	(415) 456-5566
12 E-mail of contact person			
13 Complete mailing address of contact: [Filing information and future Universal Service Worksheets will be sent to this address.]	2960 Kerner Blvd. San Rafael, CA. 94901		
14 Billing address: [Bills for Universal Service contributions will be sent to this address.]	Same as above		

Block 1: Certification: (To be signed by an officer of the contributor.)

I certify that I am an officer of the above-named contributor, that I have examined this report and to the best of my knowledge, information and belief, all statements of fact contained in this Worksheet are true and that said Worksheet is an accurate statement of the affairs of the above-named contributor.

15	Signature		
16	Printed name of officer	Tom L. Cook	
17	Position with contributor	Officer	
18	Date	8/29/97	
	Year of data in Block 4	Filing Period (Check one)	
19	<div style="border: 1px solid black; padding: 5px; display: inline-block;">1997</div>	<input checked="" type="checkbox"/> Due by September 1 Data for current year, January 1 through June 30	
		<input type="checkbox"/> Due by March 31 Data for prior year, January 1 through December 31	
20	This filing is: <input type="checkbox"/> Original filing <input type="checkbox"/> Revised filing		

Do not include a check with this filing. For additional information, please call the Universal Service Administrator. Mail this Worksheet to the Universal Service Administrator, not to the FCC. The Administrator's address and telephone number are available on the FCC's website.

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1401.

FCC 457

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none speed

95%

P.07

FCC Form 457

Universal Service Worksheet

Page 2

Please read instructions before completing. Report actual amounts billed to customers and contributors during the filing period without subtracting uncollectibles or international settlement payments. Report revenues in whole dollars. Do not report negative amounts.

Block 4: Contributor Revenue Information

21	Year of data	Filing Period (Check one)	Total Revenues (a)	Percent Interstate & International (b)	Interstate and International Revenues (c)
	1997	<input checked="" type="checkbox"/> Data for January 1 through June 30 <input type="checkbox"/> Data for January 1 through December 31			
Revenue from Other Contributors					
Fixed local service					
22	Monthly service, local calling, connection charges, vertical features, inside wiring maintenance, and other local exchange service				
a	Provided as unbundled network elements				
b	Provided under tariffs or arrangements other than unbundled network elements				
23	Per minute charges for originating or terminating calls				
a	Provided as unbundled network elements or other contract arrangement				
b	Provided under state or federal access tariffs				
24	Local private line & special access				
25	Pay telephone compensation from toll contributors				
26	Other local telecommunications service revenues				
27	Universal service support revenues				
Mobile service (includes wireless telephony, paging & messaging, and other mobile services)					
28	Monthly, activation, and message charges except toll		\$ 209,000	1%	\$2,090.00
Toll Service					
29	Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.)				
30	Other switched toll service (includes MTS, 800/888 service, etc.)				
31	Long distance private line services				
32	Satellite services				
33	All other long distance services				
Revenues From All Other Sources					
Fixed local service					
34	Monthly service, local calling, connection charges, vertical features, inside wiring maintenance, and other local exchange service charges except for federally tariffed subscriber line charges				
35	Tariffed subscriber line charges				
36	Local private line and special access service				
37	Pay telephone coin revenues				
38	Other local telecommunications service revenues				
Mobile service (includes wireless telephony, paging & messaging, and other mobile services)					
39	Monthly and activation charges		\$1,471,500	1%	\$14,715.00
40	Message charges including roaming but excluding toll charges				
Toll service					
41	Pre-paid calling card				
42	International calls that both originate and terminate in foreign points				
43	Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.) other than revenues reported on Line 42				
44	Other switched toll service (includes MTS, 800/888 service, etc.)				
45	Long distance private line services				
46	Satellite services				
47	All other long distance services				
48	Subtotal of lines 34 through 41 and lines 43 through 47				
Other revenue that will not be included in the contribution base					
49	Enhanced services, billing and collection, customer premises equipment, published directory, and non-telecommunications products and service revenues		\$2,220,000		
50	Gross billed revenues from all sources		\$3,691,500		

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. § 1001.

FCC 457

7/87



Cook Paging

2960 Kerner Boulevard
San Rafael, California
94901-5583

USAC - Universal Service Administration
100 South Jefferson Rd.
Whippany, N.J. 07981



**FEDERAL COMMUNICATIONS COMMISSION
COMMON CARRIER BUREAU
ENFORCEMENT DIVISION**

May 11, 1999

Return Receipt Requested.

Cook Telecom, Inc.
2960 Kerner Blvd.
San Rafael, CA 94901

**Re: Outstanding Universal Service Fund Contribution
TRS No. 812229**

To Whom It May Concern:

As you are aware, your company, as a provider of interstate telecommunications services, is obligated by federal law to contribute to federal universal service support programs. *See* 47 U.S.C. § 254(d). The Federal Communications Commission ("Commission") has authorized the Universal Service Administrative Company ("USAC") to collect universal service contributions from interstate telecommunications providers on a monthly basis. *See* 47 C.F.R. § 54.709(d)(4). Companies with more than \$2 million of annual revenue for its Universal Service Fund contribution are required to have submitted the Universal Service Fund Worksheet, Form 457, to USAC. **Your company has not submitted a Form 457 to USAC.**

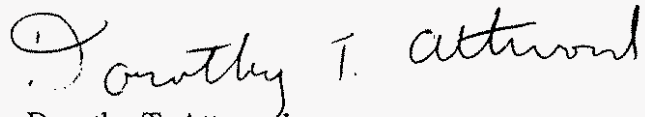
Your company's failure to pay its congressionally mandated universal service contribution is a violation of both the federal statute and the Commission's rules. *See* 47 U.S.C. § 254(d); 47 C.F.R. § 54.703(a). You need to file and submit the Universal Service Worksheet immediately. The Commission takes this matter very seriously. We are firmly committed to ensuring full compliance with the statutory universal service requirements, which form one of the primary goals of the Telecommunications Act of 1996. In this regard, please note that, on Aug. 14, 1998, the Commission issued notices of apparent liability against two carriers delinquent on their universal service obligations. *See In re ConQuest Operator Services Corp.*, Notice of Apparent Liability for Forfeiture,

FCC 98-196, File ENF-98-06 (Aug. 14, 1998); *In re Operator Communications, Inc.*, Notice of Apparent Liability for Forfeiture, FCC 98-197, File ENF-98-07 (Aug. 14, 1998). These Notices each proposed penalties in excess of \$70,000 for the carriers' failure to make the required payments for January 1998 alone. In addition, the carriers receiving these Notices also remain liable for the accrued contributions and late fees.

If your company does not submit its Form 457 Universal Service Fund Worksheet to USAC within **30 days** of the date of this letter, the Commission is prepared to issue a notice of apparent liability against your company. Failure to file required forms with the Commission is a violation of the Communications Act of 1934 and is subject to a \$3,000 fine under the Commission's *Forfeiture Policy Statement*. See *In the Matter of the Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997) (*Forfeiture Policy Statement*). The Commission is authorized to impose fines for a carrier's willful or repeated failure to comply with the Communications Act of 1934 or the Commission's rules up to a statutory maximum of \$1.1 million for any single continuing violation of the Act or Commission's rules. See 47 U.S.C. § 503 (b)(2)(B); 47 C.F.R. § 1.80.

Please mail your Universal Service Worksheet to: Universal Service Administrative Company, P.O. Box 371719, Pittsburgh, PA 15251-7719, phone (973) 884-8097 or (973) 884-8179. Should you have further questions about this letter, please contact Lisa Choi, Federal Communications Commission, Attorney/Advisor, phone (202) 418-1384.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy T. Attwood".

Dorothy T. Attwood
Chief, Enforcement Division
Common Carrier Bureau

cc:/lcc, ckh, mw, rh

COOK TELECOM INC.

2960 Kerner Blvd.

San Rafael, California 94901-0553

Ph: 415-456-6000

FAX: 415-456-5566

MEMO TO: USAC
100 South Jefferson Rd.
Whippany, N.J. 07981

FROM: Tom L. Cook

SUBJECT:

DATE: Friday, April 03, 1998

Gentlemen:

We have written USAC on two previous occasions requesting information and data explaining how the USAC tax assessment has been calculated. It seems the amount being billed to us is too high and we need to better understand the methodology before we can bill our customer.

Please send such support information at your earliest convenience.



UNIVERSAL SERVICE
ADMINISTRATIVE CO.

100 South Jefferson Road
Whippany, NJ 07981

March 31, 1998

Tom L. Cook
Cook Telecom, Inc.
2960 Kerner Blvd
San Rafael, CA 94901

Our records indicate that you are in arrears with a balance of \$3,688.06 for the Universal Service Administrative Company (USAC), charges were due for payment to USAC by February 20, 1998.

These charges are for your contribution to the Federal Universal Service programs as mandated by the Telecommunications act of 1996 and the FCC's Rules 47 C.F.R. S54.709 - 54.713.

Based on the lack of positive response from your company to pay these charges, USAC will forward information of your non-compliance to the FCC for disposition if your payment is not received within the next 5(five) business days,

USAC may be contacted at 973-884-8347 or 973-884-8179.

Late payment charges will be assessed on any unpaid balances.

If payment has been sent, please disregard this notice.

Billing and Collection Manager

812229

Cook Telecom

2960 KERNER BLVD.
SAN RAFAEL, CA. 94901
PH. 415-460-4901 FAX 415-456-5566

December 14, 1999

Universal Service Administrative Co.
P.O. Box 371719
Pittsburgh, PA. 15251

Gentlemen:

This is in reference to the continued billing we have been receiving from your organization (see latest bill attached).

In 1997, our company was sent a Form 457 form to fill out by our national association. We were told to complete and file by a certain date although complete instructions and details about how and what to file were forthcoming.

We completed and filed the form as requested but were unclear about how to report the various revenues associated with our business. Unfortunately, we included revenues from site rent, pager and two-way equipment maintenance and repair, equipment sales and telephone answering service. These represent our primary business and should not have been included with paging revenue.

Later, we were surprised to begin receiving very large bills from you people. We called several times to explain and wrote letters, but nothing seemed to stop these bills. In subsequent years, we have filed deminimis exemption forms.

We would appreciate this billing being cleared up and reversed.

Thankyou,

Cook Telecom

T.L. Cook



UNITED STATES GOVERNMENT
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20540

Mr. J. J. J. J. J.
1234 Main St.
New York, N.Y. 10001

Mail Payment to
Universal Service
Administrative Co.
1234 Main St.
New York, N.Y. 10001

12/17/1999

STATEMENT OF ACCOUNT

-----Detail of Charges-----

Date	Previous Month's Balance	Amount
11/17/1999	Late Payment Penalty	\$165.66
	Total Charges	\$ 24,540.81

-----Detail of Payments-----

Date	Amount	
	Total Payments Received	\$0.00

Total Amount Due USAC \$ 24,540.81

Payment is due by 12/16/1999

Please remit your copy with payment to ensure proper receipt.

Payments occurring after 11/17/1999 are not reflected on this statement.

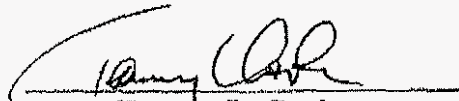
For questions to the USAC Administrator, call (513) 580-4000.

DUPLICATE

DECLARATION

Tommy L. Cook hereby declares, under penalty of perjury, that he is the president of Cook Telecom, Inc.; that he has read the foregoing Request for Review to the Federal Communications Commission; and that, except for those facts of which the Commission may take official notice, all of the facts stated therein are true and correct to the best of his knowledge, information and belief.

Dated, this 12th day of Feb., 2006.

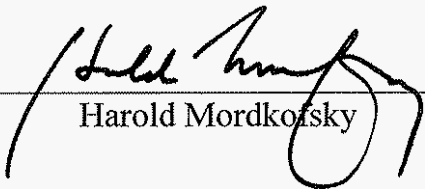

Tommy L. Cook

CERTIFICATE OF SERVICE

I, Harold Mordkofsky, hereby certify that on this 6th day of February, 2006,
I caused to be served the foregoing Request for Review to the Federal
Communications Commission, by U.S. Mail postage prepaid, upon the following:

Administrator
Universal Service Administrative Company
2000 L Street, N.W.
Suite 200
Washington, DC 20036

Universal Service Administrative Company
Attn: Billing, Collections & Disbursement
2000 L Street, N.W.
Suite 200
Washington, D.C. 20036



Harold Mordkofsky